

FILED

FEB 25 1998

SECRETARY, BOARD OF
OIL, GAS & MINING

BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

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| IN THE MATTER OF THE FIVE YEAR | : | FIRST AMENDED STIPULATION, |
| PERMIT RENEWAL, CO-OP MINING | : | MOTION AND ORDER FOR |
| COMPANY, BEAR CANYON MINE, | : | PRE-HEARING SCHEDULING |
| EMERY COUNTY, UTAH | : | AND DISCOVERY ORDER |
| | : | |
| | : | DOCKET NO. 95-025 |
| | : | CAUSE NO. ACT/015/025 |

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The Division of Oil, Gas and Mining ("the Division"), Co-op Mining Company ("Co-op") and Castle Valley Special Service District, Huntington-Cleveland Irrigation Company and the North Emery Water Users Association (collectively, "Water Users") move the Board of Oil, Gas and Mining ("the Board") to issue an order consistent with the stipulation outlined below. The parties have submitted the stipulation due to the delay in the Board's decision on the issue of collateral estoppel. The delay has made it difficult for the parties to have sufficient time to prepare their respective cases.

STIPULATION

The Division, Co-op and the Water Users HEREBY STIPULATE AND AGREE TO
THE FOLLOWING SCHEDULING ORDER:

1. The hearing date is moved to May 27, 1998. The hearing will require additional days to complete. The Parties are willing to hold the hearing from May 27-29 and, if needed, continue the hearing to June 1, 1998 until completed.

2. Ten days after the Board rules on the issue of collateral estoppel, the Division, Co-op and the Water Users shall serve file with the Board's Secretary their respective Witness List (original and 12 copies).

3. Ten days after the filing of the witness lists, the Division, Co-op and the Water Users shall file with the Board's Secretary their respective final Witness List (original and 12 copies).

4. The Parties shall coordinate amongst themselves to make their respective pre-identified witnesses available for oral depositions during the business days between the dates April 2-14, 1998, inclusive. However, if all counsel agree to take a deposition on a date not falling within the stated period, that is permissible so long as the mutually agreed date does not and will not interfere in any way with the hearing date, or any of the other deadlines, set in this matter.

5. Dispositive motions, if any, shall be served on the Parties and filed with the Board's Secretary (original and 12 copies) no later than Wednesday, April 29, 1998. (If a dispositive motion is served and filed on or near said deadline, the dispositive motion shall be served so as to arrive at opposing counsel's office no later than 5 p.m. Salt Lake City time on April 29, 1998). Responses in support or opposition to any such dispositive motions shall be served and filed with the Secretary (original and 12 copies) no later than Friday, May 8, 1998. No replies to the responses shall be served and filed.

6. The Division, Co-op and the Water Users shall serve and file their respective Exhibit Lists and pre-marked Exhibits (original set and 12 copy set) with the Board's Secretary by Monday, May 11, 1998.

7. Motions, if any, by a Party to amend its Witness List shall be served on the other Parties and filed with the Secretary (original and 12 copies) no later than May 11, 1998, and such

motions will only be granted for good cause shown.

8. On the date the Parties must file their respective Exhibit Lists and Pre-marked Exhibits with the Board's Secretary (i.e. May 11, 1998), they shall provide the other parties courtesy copy sets of the same.

DATED this 25th day of February, 1998.

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MOTION

The Division of Oil, Gas & Mining, Co-op and Castle Valley Special Service District, and the Water Users request that the Board issue an Order consistent with the above Stipulation.

ORDER

Having read the Joint Motion and Stipulation to amend the Pre-Hearing Scheduling and Discovery Order submitted by the Division of Oil, Gas and Mining ("Division"), Co-op Mining Company ("Co-op") and Castle Valley Special Service District, and Huntington-Cleveland Irrigation Company (collectively, "Water Users") in the above-referenced matter, for good cause, the Utah Board of Oil, Gas and Mining hereby grants the Motion based on the foregoing Stipulation and adopts the Stipulation as a Board Order.

GRANTED this 25 day of February, 1998.

STATE OF UTAH
BOARD OF OIL, GAS AND MINING

Elise Erler

Dave D. Lauriski, Chairman

ELISE L. ERLER, ACTING CHAIRMAN

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing FIRST AMENDED STIPULATION, MOTION AND ORDER FOR PRE-HEARING SCHEDULING AND DISCOVERY ORDER for Cause No. ACT/015/025 to be mailed by first-class mail, postage prepaid, this 26 day of February, 1998, to the following:

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